REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Final Office Action mailed on November 12, 2008, and the references cited therewith.

Claims 1, 20, and 32-33 are amended, claims 37-39 are canceled, claims 21-31 are withdrawn, and no claims are added; as a result, claims 1-36 are now pending in this application.

Examiner's Interview Summary

Applicant and Examiner Ganesan conducted a telephone interview on October 14, 2009, to discuss claim language and proposed amendments thereof in light of a reference most recently cited by the Examiner in the Examiner's Answer of August 19, 2009, following the Appeal Brief filed July 16, 2009. Applicant and Examiner appeared to agree that particular claim language could be used to amend the independent claims of the present application to overcome the teachings of the cited reference Applicant has agreed to make such amendments by filing an RCE in order to take the present application out of the appeal process. Applicant thanks the Examiner for her time and consideration.

§ 103 Rejection of the Claims

Claims 1-4, 7, 9-13, 16-20, and 32-36 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Ventura (U.S. Publication No. 2004/0044399), in view of Edwin, et al. (U.S. Publication No. 2002/0095205). Applicant respectfully traverses the rejection as follows.

Applicant respectfully submits that the Ventura reference appears to teach radiopaque links for self-expanding stents (Title) that, as most clearly seen in Figures 4C and 6, connecting a **peak** of one band to a **peak** of an adjacent band, which may also be interpreted as connecting a trough of one band to a trough of an adjacent band.

In addition, Applicant respectfully submits that the Edwin reference appears to teach encapsulated radiopaque markers (Title) where "The tubular graft structure 10 includes a graft 12 and a radiopaque coating 14." (Paragraph 0021, lines 2-3). The Edwin reference appears to go on to teach:

> An abluminal layer 35 of the stent 34 is covered by an outer tubular ePTFE graft 36. Near a distal end 38 of the encapsulated stent device 30, a radiopaque marker 40 is placed around the abluminal layer of the stent 34, but within the outer tubular ePTFE graft 36.

Hence, Applicant respectfully submits that the Ventura reference and the Edwin reference, individually or in combination, do not teach, suggest, or render obvious a stent including a tubular framework having an outer surface and an inner surface and a plurality of interconnected struts, the struts including a plurality of serpentine bands and further including a generally linear connector strut attaching a peak of one serpentine band to a trough of an immediately adjacent serpentine band at the respective apices of each of the peak and the trough, where the respective apices of the immediately adjacent serpentine bands are axially aligned with each other in opposing directions, and where the opposing apices reduce a distance between the immediately adjacent serpentine bands and attach to the generally linear connector strut, the framework further including an outer covering of PTFE and an inner covering of PTFE, the outer covering extending along at least a portion of the outer surface of the expandable framework, the inner covering extending along at least a portion of the inner surface of the expandable framework, at least a portion of the inner and outer coverings being contiguous, the stent further including at least one radiopaque marker disposed between the inner covering and the outer covering, the radiopaque marker attached to the generally linear connector strut.

In contrast, Applicant's independent claim 1, as currently amended, presently recites:

> A stent comprising a tubular framework having an outer surface and an inner surface and a plurality of interconnected struts, the struts comprising a plurality of serpentine bands and further comprising a generally linear connector strut attaching a peak of one

serpentine band to a trough of an immediately adjacent serpentine band at the respective apices of each of the peak and the trough, wherein the respective apices of the immediately adjacent serpentine bands are axially aligned with each other in opposing directions, and wherein the opposing apices reduce a distance between the immediately adjacent serpentine bands and attach to the generally linear connector strut, the framework further comprising an outer covering of PTFE and an inner covering of PTFE, the outer covering extending along at least a portion of the outer surface of the expandable framework, the inner covering extending along at least a portion of the inner surface of the expandable framework, at least a portion of the inner and outer coverings being contiguous, the stent further comprising at least one radiopaque marker disposed between the inner covering and the outer covering, the radiopaque marker attached to the generally linear connector strut.

Independent claim 20, as currently amended, presently recites:

A stent comprising a tubular framework having an outer surface and an inner surface and a plurality of interconnected struts, the struts comprising a plurality of serpentine bands and further comprising a generally linear connector strut attaching a peak of one serpentine band to a trough of an immediately adjacent serpentine band at the respective apices of each of the peak and the trough, wherein the respective apices of the immediately adjacent serpentine bands are axially aligned with each other in opposing directions, and wherein the opposing apices reduce a distance between the immediately adjacent serpentine bands and attach to the generally linear connector strut, the framework further comprising an outer covering of PTFE and an inner covering of PTFE, the outer cover extending along at least a portion of the outer surface of the framework, at least a portion of the inner and outer coverings being contiguous, the generally linear connector strut having at least one marker which is radiopaque or which may be visualized using magnetic resonance imaging, the marker disposed between the inner coverings and the outer coverings.

Independent claim 32, as currently amended, presently recites in part:

a stent framework having an interior surface, an exterior surface and a marker region, the framework comprising a plurality of serpentine bands and further comprising a generally linear connector strut attaching a peak of one serpentine band to a trough of an immediately adjacent serpentine band at the respective apices of each

of the peak and the trough, wherein the respective apices of the immediately adjacent serpentine bands are axially aligned with each other in opposing directions, and wherein the opposing apices reduce a distance between the immediately adjacent serpentine bands and attach to the generally linear connector strut;

In addition, independent claim 33, as currently amended, presently recites:

A stent comprising a tubular expandable framework having an outer surface and an inner surface, the tubular expandable framework comprising a plurality of serpentine bands, immediately adjacent serpentine bands having axially aligned oppositely pointing apices, wherein the oppositely pointing apices reduce a distance between the immediately adjacent serpentine bands, said framework further including linear connecting members connecting at least some of said oppositely pointing apices of the immediately adjacent serpentine bands, an outer covering of PTFE and an inner covering of PTFE, the outer covering extending along at least a portion of the outer surface of the expandable framework, the inner covering extending along at least a portion of the inner surface of the expandable framework, at least a portion of the inner and outer coverings being contiguous, the stent further comprising at least one radiopaque marker disposed between the inner covering and the outer covering, the at least one radiopaque marker attached to at least one of the linear connecting members.

As such, Applicant respectfully submits that the Ventura and Edwin references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claims 1, 20, and 32-33, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of Applicant's independent claims 1, 20, and 32-33, as currently amended, as well as those claims that depend therefrom.

Claims 5-6 and 8 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Ventura (U.S. Publication No. 2004/0044399) in view of Edwin, et al. (U.S. Publication No. 2002/0095205) as applied above, and further in view of

Gladdish, Jr., et al. (U.S. Publication No. 2002/0193867). Applicant respectfully traverses the rejection as follows.

Claims 5-6 and 8 depend directly or indirectly from independent claim 1. As previously presented, Applicant respectfully submits that independent claim 1, as currently amended, is in condition for allowance in light of the Ventura and Edwin references. Applicant respectfully submits that the Gladdish reference does not cure the deficiencies of the Ventura and Edwin references. That is, the Ventura, Edwin, and Gladdish references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of:

> A stent comprising a tubular framework having an outer surface and an inner surface and a plurality of interconnected struts, the struts comprising a plurality of serpentine bands and further comprising a generally linear connector strut attaching a peak of one serpentine band to a trough of an immediately adjacent serpentine band at the respective apices of each of the peak and the trough, wherein the respective apices of the immediately adjacent serpentine bands are axially aligned with each other in opposing directions, and wherein the opposing apices reduce a distance between the immediately adjacent serpentine bands and attach to the generally linear connector strut, the framework further comprising an outer covering of PTFE and an inner covering of PTFE, the outer covering extending along at least a portion of the outer surface of the expandable framework, the inner covering extending along at least a portion of the inner surface of the expandable framework, at least a portion of the inner and outer coverings being contiguous, the stent further comprising at least one radiopaque marker disposed between the inner covering and the outer covering; the radiopaque marker attached to the generally linear connector strut.

as recited in Applicant's independent claim 1, as currently amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 5-6 and 8.

Claims 14-15 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Ventura (U.S. Publication No. 2004/0044399) in view of Edwin, et al. (U.S. Publication No. 2002/0095205) as applied above, further in view of

Nolting, et al. (U.S. Patent No. 6,488,701). Applicant respectfully traverses the rejection as follows.

Claims 14-15 depend directly or indirectly from independent claim 1. As previously presented, Applicant respectfully submits that independent claim 1, as currently amended, is in condition for allowance in light of the Ventura and Edwin references. Applicant respectfully submits that the Nolting reference does not cure the deficiencies of the Ventura and Edwin references. That is, the Ventura, Edwin, and Nolting references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of:

> A stent comprising a tubular framework having an outer surface and an inner surface and a plurality of interconnected struts, the struts comprising a plurality of serpentine bands and further comprising a generally linear connector strut attaching a peak of one serpentine band to a trough of an immediately adjacent serpentine band at the respective apices of each of the peak and the trough, wherein the respective apices of the immediately adjacent serpentine bands are axially aligned with each other in opposing directions, and wherein the opposing apices reduce a distance between the immediately adjacent serpentine bands and attach to the generally linear connector strut, the framework further comprising an outer covering of PTFE and an inner covering of PTFE, the outer covering extending along at least a portion of the outer surface of the expandable framework, the inner covering extending along at least a portion of the inner surface of the expandable framework, at least a portion of the inner and outer coverings being contiguous, the stent further comprising at least one radiopaque marker disposed between the inner covering and the outer covering, the radiopaque marker attached to the generally linear connector strut.

as recited in Applicant's independent claim 1, as currently amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 14-15.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0126 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS RCE Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 19 day of October, 2009.

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Date: Oct. 19, 2009